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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,673	10/05/2006	Peter Klapschuk	3474/2US	2700
23638 7590 10/06/2008 ADAMS INTELLECTUAL PROPERTY LAW, P.A. Suite 2350 Charlotte Plaza 201 South College Street CHARLOTTE, NC 28244				
EXAMINER CONLEY, SEAN EVERETT				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
10/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,673

Applicant(s)

KLAPTCHUK, PETER

Examiner

SEAN E. CONLEY

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
- Paper No(s)/Mail Date 10/5/06, 11/29/07
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Mosenson et al. (U.S. Patent No. 6,494,391 B2).

Mosenson et al. discloses a method of treatment of biomedical waste, the method comprising: (a) shredding biomedical waste to be treated using a shredder (3) (see fig. 1; see col. 5, lines 4-11); (b) depositing the shredded waste within a processing chamber (treatment vessel 2) containing an ozone-enriched environment (see col. 6, lines 19-35; col. 7, lines 13-22), wherein during the deposit of the shredded waste into the processing chamber the shredded waste is exposed to and mixed with the ozone contained within the processing chamber (see col. 6, line 49 to col. 7, line 38); (c) maintaining the exposure of the shredded waste to the ozone-enriched environment in the processing chamber for a sufficient period of time to sterilize the shredded biomedical waste (see col. 2, lines 48-65); and (d) upon sterilization of the shredded biomedical waste, removing the shredded biomedical waste now being treated waste from the processing chamber for further conventional packaging or disposal (see col. 7, lines 39-48).

Allowable Subject Matter

3. Claims 1-16 are allowed.
4. The following is an examiner's statement of reasons for allowance: The prior art, alone or in combination, fails to teach or fairly suggest all of the claim limitations as recited in pending independent claims 1 and 13.

Specifically, with respect to independent claims 1 and 13, the closest prior art to the Applicant's claimed invention is Mosenson et al. (U.S. Patent No. 6,494,391 B2), Swisher, Jr. et al. (U.S. Patent No. 6,446,887 B1), Pearson (U.S. Patent No. 5,116,574), and Wilson et al. (U.S. Patent No. 4,578,185).

However, with respect to claim 1, none of the above references teach or suggest an apparatus for processing waste, wherein the apparatus comprises the following configuration: (a) a waste input container having an input opening in a top thereof and an output opening in a bottom thereof; (b) an input door operative to close and substantially seal the input opening; (c) an output door operative to close and substantially seal the output opening; (d) a shredder mounted under the output opening and operative to shred waste to a desired maximum size; (e) a processing chamber located under the shredder such that, when the output door is open, waste deposited in the waste input container passes through the output opening and through the shredder, and shredded waste drops into the processing chamber; (f) a sealable discharge opening in the processing chamber; (g) an ozone gas source connected to the processing chamber and operative to direct ozone gas into the processing chamber; (h)

an ozone indicator operative to indicate a concentration of ozone gas present in an atmosphere inside the processing chamber; (i) a chamber exhaust selectively operative to exhaust the atmosphere from the processing chamber; and (j.) a hopper exhaust selectively operative to exhaust the atmosphere from the waste input container.

Therefore, independent claim 1 is allowable and claims 2-12 are allowable for the same reasons since they ultimately depend from and include all of the limitations of independent claim 1.

With respect to claim 13, the above mentioned prior art fails to teach or suggest a process the specifically includes the following steps: maintaining a selected concentration of ozone in an ozone rich atmosphere inside the processing chamber during shredding at a level sufficient to sterilize the biomedical waste, feeding waste into the shredder and operating the shredder to shred the waste to a desired maximum size, allowing shredded waste to fall through the ozone rich atmosphere inside the processing chamber, and keeping the waste in the processing chamber for a length of time sufficient to sterilize the biomedical waste at the selected concentration of ozone, in combination with the claimed environment.

Therefore, claim 13 is allowable over the prior art and claims 14-16 are allowable for the same reasons since they ultimately depend from and include all of the limitations of independent claim 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 30, 2008

/Sean E Conley/
Primary Examiner, Art Unit 1797